

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

FEB 08 2017

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA,

REAL ESTATE COMMISSION
BY *Ruben Nakh*

Case No.: 2016-3644

Petitioner,

vs.

COMPLAINT AND NOTICE OF
HEARING

GARRETT LEPIRE,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, ADAM PAUL LAXALT, Attorney General of the State of Nevada, and PETER K. KEEGAN, Deputy Attorney General, hereby notifies RESPONDENT GARRETT LEPIRE ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapter 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NAC 645.605 and/or NRS 645.358 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this *Complaint* licensed as a Salesperson, License Number S.0057606, and is therefore subject to the jurisdiction of the Division and the provisions of NRS Chapter 645 and NAC Chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT has been licensed as a Salesperson, License Number S.0057606, since September 15, 2003, and is currently in active status.

2. RESPONDENT is currently employed with Jim Wilson Realty in Carson City, Nevada as a Salesperson. RESPONDENT's principal broker is James Wilson, B.0000708.

3. On or about September 28, 2016, the Division received a *Complaint* from Kacie DeKruise ("COMPLAINANT") against the RESPONDENT claiming that he was delinquent on his court ordered child support payments of \$871.00 per month and had not made a payment since March of 2016.

4. On or about September 30, 2016, RESPONDENT submitted his license Renewal Application and attested to being in compliance with a court order to pay child support.

5. On or about October 6, 2016, the Division sent RESPONDENT, via certified mail, an Opening Letter, indicating that an investigation had commenced concerning the September 28, 2016, *Complaint* and informed RESPONDENT that a response was due to the Division by October 20, 2016.

6. On or about October 27, 2016, RESPONDENT submitted his license Reinstatement Application and attested to being in compliance with a court order to pay child support.

7. On or about November 2, 2016, the Division sent RESPONDENT, via certified mail, a follow-up letter informing him that his response to the Opening Letter was due on October 20, 2016, but the Division had not yet received his response.

8. On or about November 16, 2016, RESPONDENT submitted his Affidavit Form response to the Division and admitted that he had withheld child support payments from the COMPLAINANT as a result of a dispute between the parties concerning the birth certificate of a child.

9. On or about December 20, 2016, the Division sent RESPONDENT, via certified mail, an NRS 233B Notice of intention to commence disciplinary action against him by filing a *Complaint* and request for hearing with the Nevada Real Estate Commission.

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VIOLATIONS

RESPONDENT has committed the following violations of law:

10. RESPONDENT violated NRS 645.358(1)(b) by misrepresenting the status of his compliance with child support orders and thereby failing to comply with the licensing statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services in NRS 425.520. Pursuant to NRS 645.633(1)(j), this misrepresentation would also have been grounds for denial of his license.

11. RESPONDENT violated NRS 645.630(1)(a) by making a material misrepresentation, concerning his compliance with child support orders, on his Application for Reinstatement dated October 17, 2016.

12. REPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(11)(c) by supplying false information to the Division concerning his compliance with child support orders on his October 17, 2016, license reinstatement application, which pursuant to NRS 645.633(1)(j) would also have been grounds for denial of his license.

DISCIPLINE AUTHORIZED

13. Pursuant to NRS 645.630 and NRS 645.633, the Commission is authorized to impose an administrative fine of up to \$10,000.00 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

14. Pursuant to NAC 645.695, the Commission is authorized to impose an administrative fine of up to \$500.00 per violation of NRS 645.633(1)(h) and/or NRS 645.633(1)(j) against RESPONDENT and to further suspend, revoke or place conditions on the license of RESPONDENT.

15. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.

16. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

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NOTICE OF HEARING

PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the Administrative *Complaint* against the above-named RESPONDENT in accordance with Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on March 14, 2017, commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through March 16, 2017, or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 14, 2017, at the Gaming Control Board, 1919 College Parkway, Carson City, Nevada 89701. The meeting will continue on March 15, 2017 at the Gaming Control Board, 1919 College Parkway, Carson City, Nevada 89701, commencing at 9:00 a.m., and on March 16, 2017, should business not be concluded, starting at 9:00 a.m. at the Nevada Division of Insurance, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 14 through March 16, 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the *Complaint* were true. If you have any questions, please call Rebecca Hardin, Commission Coordinator (702) 486-4074.

YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is an open meeting under Nevada's Open Meeting Law and may be attended by the public. After the evidence and arguments, the Commission may conduct a closed meeting to discuss your alleged misconduct or professional competence. A verbatim record will be made by a

1 certified court reporter. You are entitled to a copy of the transcript of the open and closed
2 portions of the meeting, although you must pay for the transcription.

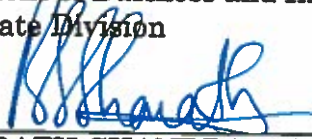
3 As the RESPONDENT, you are specifically informed that you have the right to
4 appear and be heard in your defense, either personally or through your counsel of choice.
5 At the hearing, the Division has the burden of proving the allegations in the *Complaint* and
6 will call witnesses and present evidence against you. You have the right to respond and to
7 present relevant evidence and argument on all issues involved. You have the right to call
8 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
9 matter relevant to the issues involved.

10 You have the right to request that the Commission issue subpoenas to compel
11 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
12 you may be required to demonstrate the relevance of the witnesses' testimony and/or
13 evidence. Other important rights you have are listed in NRS 645.680 through 645.990,
14 NRS Chapter 233B, and NAC 645.810 through 645.920.

15 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
16 645 and/or NAC 645, and if the allegations contained herein are substantially proven
17 by the evidence presented and to further determine what administrative penalty, if any, is
18 to be assessed against the RESPONDENT, pursuant to NRS, 645.633 and/or 645.630 and/or
19 NAC 645.695 and/or NRS 645.358 and/or NRS 622.400.

20 DATED this 7 day of February, 2017.

21
22 State of Nevada
23 Department of Business and Industry
24 Real Estate Division

25 By: 
26 SHARATH CHANDRA, Administrator
27 2501 East Sahara Avenue
28 Las Vegas, Nevada 89104-4137
Telephone: (702) 486-4033

1 DATED this 6th day of February, 2017.

2 ADAM PAUL LAXALT
3 Attorney General

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5 By: 

6 PETER K. KEEGAN
7 Deputy Attorney General
8 100 North Carson Street
9 Carson City, Nevada 89701
10 Telephone: (775) 684-1153
11 *Attorneys for Real Estate Division*